

September 13, 2004
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 13 of 16

-- REMARKS --

In the Final Office Action, Examiner Williams rejected pending claims 12, 16, 20, 24 and 26-28 as being anticipated by U.S. Patent No. 5,103,397 to *Ikemoto*. The Applicant responds to this rejection as subsequently recited herein, and respectfully requests reconsideration of the present application.

As to the anticipation rejection, the Applicant has thoroughly considered Examiner Williams' remarks concerning the patentability of independent claims 12, 16, 20 and 24 over *Ikemoto*. To warrant this anticipation rejection of independent claims 12, 16, 20 and 24, *Ikemoto* must show each and every limitation of independent claims 12, 16, 20 and 24 in as complete detail as is contained in independent claims 12, 16, 20 and 24. See, MPEP §2131. The Applicant respectfully traverses this anticipation rejection of independent claims 12, 16, 20 and 24, because *Ikemoto* fails to disclose and teaches away from the following limitations of independent claims 12, 16, 20 and 24:

1. "providing the second operating current to the damper to thereby control the damping force as a function of the desired force level of the damping force and the operating temperature of the damper" in as complete detail as is contained in independent claim 12;
2. "wherein said second module is further operable to provide the second operating current to the damper to thereby control the damping force as a function of the desired force level of the damping force and the operating temperature of the damper" in as complete detail as is contained in independent claim 16;

September 13, 2004
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 12 of 16

32. (Previously Presented) The system of claim 29, wherein said controller further includes a fourth module operable to generate a signal indicative of an ambient temperature of said damper.

33. (Previously Presented) The system of claim 29, wherein said controller further includes a fourth module operable to generate a signal indicative of a measured temperature of said damper.

34. (Previously Presented) The system of claim 29, wherein said controller further includes a fourth module operable to generate a signal indicative of an estimated temperature of said damper.

September 13, 2004
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 15 of 16

However, *Ikemoto* teaches away from providing temperature compensated currents I_{t1} , I_{t2} , I_{t3} and I_{t4} to solenoids 78, 58, 82 and 80, respectively, of pressure control values 34, 32, 38 and 36, respectively, as required by the aforementioned limitations of independent claims 12, 16, 20 and 24 by reaching a mathematical manipulation of temperature compensated currents I_{t1} , I_{t2} , I_{t3} and I_{t4} in steps 420-460 to yield final desired forced level currents I_{u1} , I_{u2} , I_{u3} and I_{u4} , which are instead provided to solenoids 78, 58, 82 and 80, respectively, of pressure control values 34, 32, 38 and 36, respectively. To this end, *Ikemoto* teaches (1) final desired force level current I_{u1} is a summation of temperature compensated current I_{t1} and a reversely transferring electric current warp I_{w1} ; (2) final desired force level current I_{u2} is a summation of temperature compensated current I_{t2} and a reversely transferring electric current warp I_{w2} ; (3) final desired force level current I_{u3} is a summation of temperature compensated current I_{t3} and a reversely transferring electric current warp I_{w3} ; and (4) final desired force level current I_{u4} is a summation of temperature compensated current I_{t4} and a reversely transferring electric current warp I_{w4} . Thus, each final desired force level current I_{u1} , I_{u2} , I_{u3} , and I_{u4} is not a product of temperature coefficient K_t and a respective desired force level current I_1 , I_2 , I_3 and I_4 as required by the aforementioned limitations of independent claims 12, 16, 20 and 24.

Withdrawal of the rejection of independent claims 12, 16, 20 and 24 under 35 U.S.C. §102(b) as being anticipated by *Ikemoto* is therefore respectfully requested.

Claims 26-28 depend from independent claim 24. Therefore, dependent claims 26-28 include all of the elements and limitations of independent claim 24. It is therefore respectfully submitted by the Applicant that dependent claims 26-28 are allowable over *Ikemoto* for at least the same reason as set forth herein with respect to independent claim 24 being allowable over *Ikemoto*. Withdrawal of the rejection of dependent claims 26-28 under 35 U.S.C. §102(b) being anticipated by *Ikemoto* is therefore respectfully requested.

September 13, 2004
Case No.: DP-305851 (7500/95)
Serial No.: 09/981,082
Filed: October 16, 2001
Page 16 of 16

SUMMARY

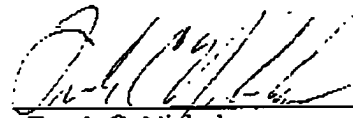
Examiner Williams' anticipation rejection of claims 12, 16, 20, 24 and 26-28 has been obviated by the remarks herein supporting an allowance of claims 12, 16, 20, 24 and 26-28 over *Ikemoto*. The Applicant respectfully submits that claims 12-34 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and early passage to issue of the present application are respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Williams is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: September 13, 2004

Respectfully submitted,

Vardarajan R. Iyengar, et al

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants